

\*\*E-filed 4/11/07\*\*

PILLSBURY WINTHROP SHAW PITTMAN LLP  
 VERNON H. GRANNEMAN #83532  
 DIANNE L. SWEENEY #187198  
 2475 Hanover Street  
 Palo Alto, CA 94304-1114  
 Telephone: (650) 233-4500  
 Facsimile: (650) 233-4545

Attorneys for Plaintiff  
 CISCO SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ROBERT S. GORDON,

Defendant.

No. C02-1862 JF

DECLARATION OF VERNON H.  
 GRANNEMAN RE SEPTEMBER 29,  
 2006 AND JANUARY 5, 2007  
 ORDERS OF DISMISSAL,  
 CERTIFICATION OF FAILURE TO  
 PAY SETTLEMENT AMOUNT AND  
 SECOND REQUEST TO EXTEND  
 DATE OF CONDITIONAL  
 DISMISSAL – AND ORDER  
 THEREON

I, Vernon H. Granneman, declare:

1. I am an attorney at law duly licensed to practice before all courts in the State of California, am admitted to the Bar of this Court and am a member of the law firm Pillsbury Winthrop Shaw Pittman LLP, attorneys for Cisco Systems, Inc. (“Cisco”) in the above-captioned matter. The following declaration is based on my personal knowledge and, if called as a witness, I could and would testify competently to the matters stated herein.

2. On September 29, 2006, the Court entered an Order of Dismissal in the above-captioned matter, conditioned on full satisfaction of a settlement agreed to between and among the interested parties. The Court’s September 29 Order of Dismissal was extended to April 5, 2007 by further order of this Court filed on January 5, 2007 based on Cisco’s request for an

1 extension amid ongoing efforts among the interested parties to conclude the settlement. (The  
 2 September 29, 2006 and January 5, 2007, Orders of Conditional Dismissal are hereinafter referred  
 3 to collectively as the "Order of Dismissal.") Per the terms of the Order of Dismissal, this  
 4 declaration constitutes certification on behalf of Cisco that the agreed consideration for said  
 5 settlement has not been delivered over.

6 3. Although the Order of Dismissal (as extended by the Court) provides that upon the  
 7 filing of this certification on or before April 5, 2007, the Order of Dismissal "SHALL STAND  
 8 VACATED and this case shall forthwith be restored to the calendar to be set for trial," Cisco  
 9 proposes that the Court extend the Order of Dismissal an additional 30 to 60 days on the same  
 10 terms and conditions as the original Order. The interested parties have reached agreement in  
 11 principle as to the disposition of certain funds of Defendant Robert Gordon that will be used, in  
 12 part, to pay the remaining amounts due Cisco on its settlement with Gordon. A written  
 13 circulation has been circulated among counsel for the interested parties for review and signature.  
 14 Accordingly, I expect that the settlement will be concluded within the next 30-60 days and  
 15 request a further extension of the Order of Dismissal in lieu of restoring the matter to the civil  
 16 active list.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on April  
 18 5, 2007 at Palo Alto, California.

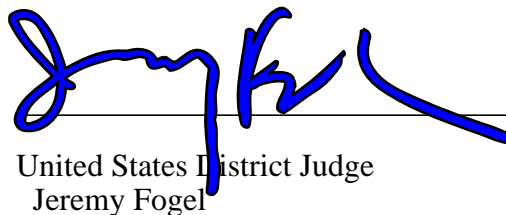
19 /s/ Vernon H. Granneman

20 Vernon H. Granneman

21  
 22 The Order of Dismissal is extended to June 8, 2007.

23 IT IS SO ORDERED.

24 4/6/07

25   
 26 United States District Judge  
 27 Jeremy Fogel  
 28